

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: TESTOSTERONE REPLACEMENT THERAPY PRODUCTS LIABILITY LITIGATION	MDL No. 2545 Master Docket Case No. 1:14-cv-01748 Honorable Matthew F. Kennelly
THIS DOCUMENTS RELATES TO: <i>Brad Martin, et al. v. Actavis, Inc., et al.</i> , Case No. 15-cv-4292 and <i>Casey Brubaker, et al. v. Actavis, Inc.</i> Case No. 15-cv-0426	

**UNOPPOSED MOTION FOR AN ORDER GRANTING ACTAVIS DEFENDANTS
LEAVE TO FILE MOTIONS FOR SUMMARY JUDGMENT AND A *DAUBERT*
MOTION IN EXCESS OF THE PAGE LIMITS PRESCRIBED BY LOCAL RULE 7.1**

NOW COME Defendants Actavis, Inc., Actavis Pharma, Inc., and Actavis Laboratories UT, Inc. in *Martin v. Actavis, Inc., et al.* (“*Martin* case”) and Defendant Actavis, Inc. in *Brubaker v. Actavis, Inc.* case (“*Brubaker* case”) and respectfully move the Court for entry of an order permitting the applicable Actavis Defendant(s) in those cases to file motions for summary judgment and a *Daubert* motion in excess of the 15 page limit set forth in Northern District of Illinois Local Rule 7.1.¹ Specifically, Actavis Defendants anticipate filing the following motions applicable to the *Martin* case and the *Brubaker* case and request the following numbers of pages for each of those motions:

¹ Undersigned counsel has conferred with Plaintiffs’ MDL Executive Committee counsel, James O’Brien, and has been advised that the PSC is not opposed to Actavis Defendants’ request herein for leave to file summary judgment motions and a *Daubert* motion in excess of the page limits prescribed by Local Rule 7.1.

1. An omnibus summary judgment motion addressing the facts in the *Martin* case as applied to the relevant state law principles that Actavis Defendants contend support summary judgment. Actavis Defendants request a total of 20 pages for this motion.
2. An omnibus summary judgment motion addressing the facts in the *Brubaker* case as applied to the relevant state law principles that Actavis, Inc. contends support summary judgment. Actavis, Inc. requests a total of 20 pages for this motion.
3. A single summary judgment motion premised on preemption grounds applicable to both the *Martin* case and the *Brubaker* case. Actavis Defendants request a total of 20 pages for this motion.
4. A single *Daubert* motion covering all of the plaintiffs' experts Actavis Defendants seek to challenge applicable to both the *Martin* case and the *Brubaker* case. Actavis Defendants request a total of 60 pages for this motion.

With respect to each of these four motions, Actavis Defendants propose that Plaintiffs be given the same number of pages in opposition, and that Actavis Defendants be given 15 pages in reply.

Good cause exists for granting Actavis Defendants' request for an extension of page limits on its briefing because, as the Court is well aware, these cases involve significant complex medical and scientific issues related to causation, as well as detailed case specific medical histories and product usage histories related to the individual plaintiffs. Further, this will be the initial briefing in cases alleging injury from use of Androderm, and additional pages will provide Actavis Defendants the opportunity to introduce the Court to the Androderm patch product and its regulatory and marketing history and address associated matters, including proximate cause

and preemption. Actavis Defendants are mindful of the many demands upon the Court's time, and Actavis Defendants will make all efforts to efficiently present their motions.

Therefore, for each of the reasons presented, Actavis Defendants respectfully request that the Court enter an order granting Actavis Defendants leave to file the following motions in excess of the 15 page limit: (1) a motion for summary judgment in the *Martin* case 20 pages in total; (2) a motion for summary judgment in the *Brubaker* case 20 pages in total; (3) a summary judgment motion premised on preemption grounds applicable to both the *Martin* case and the *Brubaker* case 20 pages in total; and (4) a single *Daubert* motion covering all of the plaintiffs' experts Actavis Defendants seek to challenge applicable to both the *Martin* case and the *Brubaker* case 60 pages in total.

Date: April 16, 2018

Respectfully submitted,

/s/ Jeffrey D. Geoppinger

Joseph P. Thomas

Jeffrey F. Peck

K.C. Green

Jeffrey D. Geoppinger

ULMER & BERNE LLP

600 Vine Street, Suite 2800

Cincinnati, OH 45202

Phone: (513) 698-5000

Fax: (513) 698-5001

Email: jthomas@ulmer.com

Email: jpeck@ulmer.com

Email: kcgreen@ulmer.com

Email: jgeoppinger@ulmer.com

Attorneys for Actavis Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2018, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Jeffrey D. Geoppinger